

REMARKS/ARGUMENTS

1. Claims 3-62, 80-102, and 104-124 were pending. Claims 18, 20, 48, and 50 have been amended. No claims have been canceled, and no new claims have been added. Thus, claims 3-62, 80-102, and 104-124 remain pending.

2. Applicants acknowledge with appreciation the courtesy of a telephonic interview on March 29, 2006 involving Examiner Andre Boyce and Applicants' Attorneys Bruce Sunstein and Jeffrey Klayman to discuss the Office action of February 2, 2006.

Applicants' Attorneys pointed out that the claims require the use of a database that correlates a job function in a first industry with a set of second industries with respect to which the job function capability is potentially transferable in order to identify the set of second industries. To provide examples, Applicants' Attorneys referred to FIG. 1-1 of the subject patent application, which shows correlations between a marketing management function in each of a number of first industries to a corresponding set of second industries. The letter "X" at the intersection of a row and a column indicates potential transferability between the job function capability in the first industry and the second industry. Applicants' Attorneys noted that correlations are not necessarily bilateral. For example, it can be seen that the marketing management function in the consumer package goods industry (row 1) is potentially transferable to the consumer durables industry (as indicated by the letter "X" at the intersection of row 1 and column 2), but the marketing management function in the consumer durables industry (row 2) is not transferable to the consumer package goods industry (as indicated by an empty box at the intersection of row 2 and column 1). Applicants' Attorneys explained that, in the context of the subject patent application, the correlation is based on an evaluation of the skill set associated with the job function.

Applicants' Attorneys went on to explain that the Salmon references does not teach or otherwise suggest the type of correlations employed in the subject patent application. In fact, Salmon explicitly teaches that correlations of the type discussed above do not count and structures his system to avoid considering such correlations. Pointedly, at column 4, lines 50-57, Salmon says that a person with "production

experience” in the biotechnology industry and “design experience” in the aerospace industry does not match a search for someone with “design experience in biotechnology” (i.e., even though the person has both “design experience” and experience in biotechnology). Salmon makes no attempt to correlate, say, design experience in aerospace with other industries to which that job function capability is potentially transferable, say, for example, the biotechnology industry. It is clear, then, that Salmon does not deal at all with evaluating potential transferability of job functions among industries, and actually disparages the types of correlations employed in the subject patent application.

The Examiner inquired whether the type of correlation required by the claims is performed inherently by job applicants, potential employers, and job recruiters when evaluating a potential transfer from one job or industry to another. Applicants’ Attorneys explained that, prior to the subject application, there was no known framework to perform the claimed invention, either manually or via computer. Applicants’ Attorneys further explained that, where job recruiting has typically been a subjective activity (e.g., a marketing manager assumes that he can market anything to anyone at any time and therefore can move to any industry; job recruiters send job applicants on interviews hoping for a hire), the subject patent application provides an objective way to evaluate the potential transferability of a job function from one industry to another. Applicants’ Attorneys provided some examples of how such correlations might be used by a job applicant, a potential employer, and a job recruiter (e.g., a job recruiter might use the computerized method of the subject patent application to identify other industries in which a job applicant’s skills are transferable; a potential employer might use the computerized method of the subject patent application to determine whether the skill set of a job applicant is transferable to its industry based on the previous job function(s) performed by the job applicant).

The Examiner suggested clarification of the “correlation” function. No agreement as to allowable subject matter was reached.

3. The Examiner has rejected claims 3-62, 80-102, and 104-124 under 35 U.S.C. 102(b) or 103(a) as being anticipated by Salmon alone or in combination with Joao.

As discussed above, Applicants respectfully submit that Salmon does not teach or otherwise suggest correlation of a job function in a first industry with a set of second industries with respect to which the job function capability is potentially transferable, as required by the claims. Rather, Salmon correlates the information in each line item of a resume without regard to potential transferability of job function capability. The apparent goal of Salmon is to ensure that a particular subject is not considered for a particular job unless the subject already has experience with that job in the relevant industry. Thus, Salmon actually teaches away from the presently claimed invention.

Applicants therefore submit that claims 3-62, 80-102, and 104-124 are patentable over Salmon alone and in combination with Joao.

The Examiner suggested clarification of the "correlation" function. In fact, the concept of correlation is used in a highly defined context in the subject patent application. On page 10, the application includes numerous definitions (including definitions for the terms "job function," "job function capability," "industry," and "skill set") that are relevant to the correlation function, and these definitions explicitly apply to both the claims and the description and govern unless the context otherwise requires ("[w]here an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim." MPEP § 2111.01 (III)). It is clear from the subject application that a correlation exists when a job function uses a skill set, and works with variables, in a first industry in a way that enables a subject's job function capability to be transferred to a second industry (see page 12, lines 17-20). Thus, the defined terms put the concept of correlation in an explicitly clear context.

4. The Examiner rejected claims 17, 18, 47, and 49 under 35 U.S.C. 112 as being indefinite.

Upon review of the claims, it appears that claims 17, 47, and 49 do not include the defect identified by the Examiner, although claims 20, 48, and 50 do. Thus, claims 18, 20, 48, and 50 have been amended to provide proper antecedent basis.

5. The Examiner objected to the specification because the abstract was too long. The abstract has been amended accordingly.

6. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

7. Applicants do not believe any extension of time is required for timely consideration of this response. In the event that an extension has been overlooked, this conditional petition of extension is hereby submitted, and Applicants request that deposit account number 19-4972 be charged for any fees that may be required for the timely consideration of this application.

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Respectfully submitted,



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